

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

SECURITIES AND EXCHANGE  
COMMISSION,

3:12-CV-01289-ST

ORDER

Plaintiff,

v.

3 EAGLES RESEARCH & DEVELOPMENT  
LLC, HARRY DEAN PROUDFOOT III,  
MATTHEW DALE PROUDFOOT, LAURIE  
ANNE VRVILO, and DENNIS ASHLEY  
BUKANTIS,

Defendants.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#221) on January 31, 2014, in which she recommends this Court grant Plaintiff's Motion (#159) for Summary Judgment.

On February 18, 2014, Defendant Harry Dean Proudfoot filed a Motion for Extension of Time to File an Objection to the Finding and Recommendation. On March 3, 2014, the Court entered an Order

granting Defendant's Motion for Extension of Time and granting Defendant until March 18, 2014, to file objections to the Findings and Recommendation. At some point Defendant Proudfoot requested by telephone an additional extension of time to file his objections to the Findings and Recommendation. Plaintiff did not object to Defendant's request. The Court, therefore, entered an Order on March 19, 2014, granting Defendant's oral Motion for Extension and granting Defendant Proudfoot until 2:00 p.m., March 24, 2014, to file any objections to the Findings and Recommendation. Also on March 19, 2014, the Court's March 19, 2014, Order was mailed to Defendant Proudfoot and Defendant was advised by telephone of the 2:00 p.m., March 24, 2014, deadline to file any objections to the Findings and Recommendation. On March 24, 2014, Defendant Proudfoot filed a Motion (#229) for Extension of Time requesting until March 24, 2014, to file objections to the Magistrate Judge's Findings and Recommendations. In light of the fact that the Court had already granted this extension to Defendant, the Court denies Motion #229 as moot.

On March 24, 2014, Defendant Proudfoot filed a Motion (#230) for Extension of Time to Respond and a Motion (#231) for Extension of Time and Dismissal of Allegations and Charges by the SEC. In Defendant's Motion (#230) he seeks until November 10, 2014, to file objections to the Findings and Recommendation. In

Defendant's Motion (#231) he seeks until November 15, 2014, to provide the Court with "data and information regarding the lateness of the issue of our 506/PPM through our defense attorneys at that time." The Court notes Plaintiff's Motion for Summary Judgment was filed on May 23, 2013. Magistrate Judge Stewart granted Defendant Proudfoot two extensions of time to respond to Plaintiff's Motion, and Defendant Proudfoot did not file a Response to Plaintiff's Motion for Summary Judgment until October 16, 2013. On November 7, 2013, the Magistrate Judge entered an Order in which she granted Defendant Proudfoot's request to file a surreply to respond to "evidentiary objections raised in Plaintiff's Reply" no later than November 18, 2013. The Magistrate Judge then granted Defendant Proudfoot an extension of time to December 20, 2013, to file his surreply. Defendant Proudfoot did not file a surreply by December 20, 2013, and instead on December 23, 2013, he filed a Motion for Extension of time to file his surreply. On January 14, 2014, the Magistrate Judge denied Defendant Proudfoot's Motion for Extension of time and took Plaintiff's Motion for Summary Judgment under advisement.

As noted, the Court granted Defendant Proudfoot two extensions of time to file objections to the Findings and Recommendation. Plaintiff's Motion for Summary Judgment has been pending for over ten months. The Court finds Defendant Proudfoot

has had more than enough time to sufficiently address Plaintiff's Motion for Summary Judgment and to file objections to the Findings and Recommendation. Accordingly, the Court **DENIES** Defendant Proudfoot's Motion (#230) for Extension of Time to Respond and his Motion (#231) for Extension of Time and Dismissal of Allegations and Charges by the SEC. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no timely objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

#### **CONCLUSION**

For these reasons, the Court **DENIES as moot** Defendant Proudfoot's Motion (#229) for Extension of Time, **DENIES** Defendant Proudfoot's Motion (#230) for Extension of Time to Respond and **DENIES** Defendant Proudfoot's Motion (#231) for Extension of Time and Dismissal of Allegations and Charges by the SEC.

The Court also **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#221). Accordingly, the Court **GRANTS**

Plaintiff's Motion (#159) for Summary Judgment.

IT IS SO ORDERED.

DATED this 26<sup>th</sup> day of March, 2014.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge